

REMARKS

Claims 1-92 are pending in the application.

Claims 1-92 stand rejected.

Claims 81-92 stand objected to.

Claims 1, 17-19, 23, 36, 39, 55, 68, 79-81, 83, 85, and 86 have been amended.

Claims 15, 16, 82, and 84 has been cancelled.

Formal Matters

The specification has been objected to because of informalities in claim 68. The Office Action provides that claim 68 contains informalities because “a computer program product” is not defined in the specification. Applicant respectfully submits that support for a computer program product can be found in paragraphs 63-70 of the specification. Additionally, Applicant respectfully submits that this type of claim has been allowed since the issuance of *In re Lowry*, as described in MPEP 2106.01.

Claims 81-92 stand objected to because of informalities. Claims 81-92 have been amended to correct the informalities.

Rejection of Claims under 35 U.S.C. §101

Claims 1, 2 and 68-80 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 has been amended. Applicant respectfully submits that the rejection of claim 1 is thus overcome. Insofar as the rejection for claim 1 has been overcome, the rejection of claim 2 is likewise overcome.

Claim 68 stands rejected for claiming a computer program product with a computer readable media. Applicant respectfully submits that a claim directed to a computer program product is patentable subject matter, since the issuance of *In re Lowry*, 32 F.3d 1579 (Fed. Cir. 1994). Second, Applicant respectfully submits that claim 68 has been amended to describe computer readable storage media. Computer readable storage media is likewise patentable subject matter, as described in MPEP 2106.01. Thus, the rejection for claim 68 has been overcome.

Rejection of Claims under 35 U.S.C. §102

Claims 1-3, 5-13, 15, 23, 27-31, 34-45, 55-59, 68-72 and 81-85 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Khansari, et al., U.S. Patent No. 6,446,131 (Khansari).

Applicant respectfully submits that Khasari does not anticipate independent claim 1. The cited sections of Khasari do not disclose the claimed plurality of DPMs, wherein said DPMs comprise said DPM. Independent claim 1 recites substantially the following:

- a duplicate packet map (DPM);
- a DPM bank, wherein
 - said DPM bank comprises said DPM; and
- a plurality of DPMs, wherein said DPMs comprise said DPM.

According to the interpretation of the Office Action, Khasari does not teach a plurality of DPMs, wherein said DPMs comprise said DPM. (e.g. rejection of claim 16 as being unpatentable under 35 U.S.C. §103). Thus, Khasari, on its own, fails to teach all the claim limitations of claim 1. The Office Action asserts, in the rejection of claim 16, that Reiss teaches a plurality of DPMs, wherein said DPMs comprise said DPM. For a further discussion, see response to rejection of claims under 35 U.S.C. §103. Accordingly, Applicant respectfully requests that the rejection of claim 1 as being anticipated by Khasari be withdrawn.

Independent claims 55, 68, and 81 contain similar limitations describing a plurality of DPMs. As such, Khasari fails to disclose all the limitations of claims 55, 68, and 81. Accordingly, Applicant respectfully requests that the rejection of claims 55, 68, and 81 as being anticipated by Khasari be withdrawn.

Insofar as claims 1, 55, 68, and 81 appear to be patentable, dependent claims 2-3, 5-13, 23, 27-31, 34-45, 56-59, 69-72, 83, and 85 should be held patentable.

Rejection of Claims under 35 U.S.C. §103

Claims 4 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Khansari, et al., U.S. Patent No. 6,446,131 (Khansari).

Claims 16-22, 24-26, 32, 33, 46-54, 60-67, 73-80 and 86-92 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Khansari, et al., U.S. Patent No. 6,446,131 (Khansari) in view of Reiss, U.S. Patent Publication No. 2004/0267945 (Reiss).

Applicants respectfully submit that the cited sections of Khasari and Reiss do not teach all the claim limitations of independent claim 1 (containing elements of cancelled claim 16), taken alone or in permissible combination. The cited sections of Khasari and Reiss fail to teach a plurality of DPMs, wherein said DPMs comprise said DPM. Independent claim 1 recites substantially the following:

- a duplicate packet map (DPM);
- a DPM bank, wherein
 - said DPM bank comprises said DPM; and
- a plurality of DPMs, wherein said DPMs comprise said DPM.

The Office Action asserts that paragraph 115, lines 1-5 of Reiss discloses claim 1's requirement of a plurality of DPMs, wherein said DPMs comprise said DPM (previously part of claim 16).

Paragraph 115, lines 1-5 recites:

Generally, (FIG. 10), memory area 560 may be organized as one or more tables T, in turn comprising sub-tables ST1 through STL. Parameter L enables to define an order between the sub-tables, or, at least, a currently in-use sub-table, e.g. ST1; preferably, an older one of the sub-

The cited sections purportedly teach tables and subtables, which are portions of memory.

However, the cited sections do not describe a plurality of DPMs, wherein said DPMs comprise said DPM. Because the cited sections of Reiss fail to disclose a plurality of DPMs, wherein said DPMs comprise said DPM, Applicant respectfully submits that the combination of Khasari and Reiss fail to describe all the claim limitations of claim 1.

Similarly, independent claims 55, 68, and 81 also contain limitations describing a plurality of DPMs, wherein said DPMs comprise said DPM. Thus, Applicants respectfully submit that the combination of Khasari and Reiss fail to describe all the claim limitations of claims 55, 68, and 81.

As such, all claims depending directly or indirectly from claims 1, 55, 68, and 81, including rejected claims 4, 14, 16-22, 24-26, 32, 33, 46-54, 60-67, 73-80 and 86-92, are likewise patentable.

Rejection of Claims under 35 U.S.C. §112

Claims 1-92 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 1 stands rejected for failing to define a device. Claim 1 also stands rejected as being indefinite in that it fails to point out what is included or excluded by the claim language. Claim 1 has been amended. Applicant respectfully submits that the rejections of claim 1 are thus overcome.

Claims 36, 55, 68, and 81 stand rejected for insufficient antecedent basis for the limitation "said duplicate packet." Claims 36, 55, 68, and 81 have been amended to provide antecedent basis to a duplicate packet. Applicant respectfully submits that the rejection of claims 36, 55, 68, and 81 are thus overcome.

Claim 39 stands rejected as being unclear. Claim 39 has been amended. Applicant respectfully submits that the rejection of claim 39 is thus overcome.

Claim 68 stands rejected to for failure to provide a definition for a computer program product in the specification. Applicant respectfully submits that a computer program product is described in paragraphs 63-70 of the specification. Thus, the rejection of claim 68 is thus overcome.

Claims 79 and 80 stand rejected for insufficient antecedent basis for the limitation "said performing periodically." Claims 79 and 80 have been amended to provide proper antecedent basis. Applicants respectfully submit that the rejection of claims 79 and 80 are thus overcome.

Claim 81 stands rejected as being a single means claim. Claim 81 has been amended. Thus, Applicants respectfully submit that the rejection of claim 81 is thus overcome.

Claims 2-35, 37, 38, 40-54, 56-67, 69-78 and 82-92 stand rejected as being dependent on a rejected base claim. As the rejections to the independent claims have been overcome; consequently, the rejections for the dependent claims are thus overcome.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. G. Campbell, III', with a stylized flourish at the end.

Samuel G. Campbell, III

Attorney for Applicants

Reg. No. 42,381

Telephone: (512) 439-5084

Facsimile: (512) 439-5099